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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,505	04/14/2000	Brian Mark Shuster	409475-4	8771

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EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/549,505

Applicant(s)

SHUSTER ET AL.

Examiner

Joshua D Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 04/14/2000.
2. Claims 1-49 are pending in this case. Claims 1, 11, 24, and 36 are independent claims.

### ***Specification***

3. The abstract of the disclosure is objected to because of the phrase "are disclosed" in line 2. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1, 2, 9, and 11-13 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996).**

5. **Regarding independent claim 1**, Weinburg et al. discloses a method of mapping a web page in which a user selects a page from a wide area network, World Wide Web, which contains links to other pages and objects (column 1, line 64-column 2, line 26 of Weinberg). Routines in the program show the overall architecture of the site including the links between all objects (column 2, lines 10-26 of Weinberg). A map is generated that shows the relationship of the objects and also shows additional information about the objects as the user zooms in on the map (column 2, lines 10-57 of Weinberg et al.).

6. **Regarding dependent claim 2**, Weinburg et al. discloses a method in which a graphical icon is used to identify an object in the map (column 2, lines 49-57 of

Weinberg). Additional information or properties are defined to be displayed on the map when a user zooms in the view of the map (column 2, lines 49-57 of Weinberg et al.).

7. **Regarding dependent claim 9**, Weinburg et al. discloses a method in which a map is displayed in a user interface in which a user may select an object such as a link or use interface options to create a map page (column 1, line 64-column 2, line 48 of Weinburg et al.).

8. **Regarding independent claim 11**, Weinburg et al. discloses a method in which a set of linked target pages such as a web site may be selected and the entire set will be included in a generated map page (column 2, lines 10-26 of Weinburg et al.).

9. **Regarding dependent claim 12**, Weinburg et al. discloses a method in which a set of linked target pages such as a web site may be selected and the entire set will be included in a generated map page (column 2, lines 10-26 of Weinburg et al.).

10. **Regarding dependent claim 13**, Weinburg et al. discloses a method in which a graphical icon is used to identify any object or page in the map (column 2, lines 49-57 of Weinberg). Additional information or properties are defined to be displayed on the map when a user zooms in the view of the map (column 2, lines 49-57 of Weinberg et al.).

11. **Regarding dependent claim 14**, Weinburg et al. discloses a method in which a map is displayed in a user interface in which a user may select an object such as a link to create a map page (column 1, line 64-column 2, line 48 of Weinburg et al.).

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 24-25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996).**

14. **Regarding independent claim 24**, Weinburg et al. discloses a method of mapping a web page in which a user selects a page from a wide area network, World Wide Web, which contains links to other pages and objects (column 1, line 64-column 2, line 26 of Weinberg). Routines in the program show the overall architecture of the site including the links between all objects (column 2, lines 10-26 of Weinberg). A map is generated that shows the relationship of the objects and also shows additional

information about the objects as the user zooms in on the map (column 2, lines 10-57 of Weinberg et al.). Weinburg et al. does not directly disclose the use of web server interconnected with a database to perform this method.

However, Weinburg et al. discloses a method in which dynamic pages are created by a web server, which is connected to a database, by performing an operation such as a database search (column 23, line 63-column 24, line 14 of Weinburg et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of performing dynamic operations on web page to execute the mapping method of Weinburg et al. because it is another way to perform operations on a web page.

15. **Regarding dependent claim 25**, the claim incorporates substantially similar subject matter as claim 2. Thus, the claim is rejected along the same rationale as claim 2.

16. **Regarding dependent claims 34 and 35**, the claims incorporate substantially similar subject matter as claim 9. Thus, the claims are rejected along the same rationale as claim 9.

17. **Regarding independent claim 36**, Weinburg et al. discloses a method in which a set of linked target pages such as a web site may be selected and the entire set will be included in a generated map page (column 2, lines 10-26 of Weinburg et al.). Weinburg et al. does not directly disclose the use of web server interconnected with a database to perform this method.

However, Weinburg et al. discloses a method in which dynamic pages are created by a web server, which is connected to a database, by performing an operation such as a database search (column 23, line 63-column 24, line 14 of Weinburg et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of performing dynamic operations on web page to execute the mapping method of Weinburg et al. because it is another way to perform operations on a web page.

18. **Regarding dependent claim 37**, the claim incorporates substantially similar subject matter as claim 12. Thus, the claim is rejected along the same rationale as claim 12.

19. **Regarding dependent claims 38 and 39**, the claims incorporate substantially similar subject matter as claim 9. Thus, the claims are rejected along the same rationale as claim 9.

**Claims 3-6, 15-16, 18-19, 22-23, 26-29, 31, 33, 40-41, 43-44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996) as applied to claims 1, 2, 9, 11-14, 24,25, and 34-39 above, and further in view of Astiz et al. (US Patent Number 6,035,330, filed on March 29, 1996).**

20. **Regarding dependent claims 3-6**, Weinberg et al. does not disclose a method in which the map data and page are stored in a database, where users can recall the information. However, Astiz et al. discloses a method of mapping a web page in which



the map itself and the corresponding data are stored in a database, from which they can be recalled by users (column 5, line 68-column 6, line 20 of Astiz et al.). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Weinberg et al. with the method of Astiz et al. because Weinberg et al. discloses storing the maps in memory and databases are a type of memory.

21. **Regarding dependent claims 15, 16, 18, and 19**, the claims incorporate substantially similar subject matter as claims 3-6. Thus, the claims are rejected along the same rationale as claims 3-6.

22. **Regarding dependent claims 22 and 23**, Weinberg et al. does not disclose a method in which the map data and page are transmitted over a wide area network. However, Astiz et al. discloses a method in which maps and corresponding data are downloaded via a non-local network (wide area network). (column 6, lines 7-20 of Astiz et al.).

23. **Regarding dependent claims 26-29, and 31**, the claims incorporate substantially similar subject matter as claims 3-6. Thus, the claims are rejected along the same rationale as claims 3-6.

24. **Regarding dependent claims 40-41 and 43-44**, the claims incorporate substantially similar subject matter as claims 3-6. Thus, the claims are rejected along the same rationale as claims 3-6.

25. **Regarding dependent claims 33 and 46-47**, the claims incorporate substantially similar subject matter as claims 22 and 23. Thus, the claims are rejected along the same rationale as claims 22 and 23.

26. **Regarding dependent claims 48 and 49**, Weinburg et al. discloses a method in which plug-ins provided by the map generator (application modules) can be used to perform mapping operations (column 12, lines 6-16 of Weinburg et al.).

**Claims 7-8, 17, 20-21, 30, 32, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberg et al. (US Patent Number 6,237,006, with US filing date of October 15, 1996) in view of Astiz et al. (US Patent Number 6,035,330, filed on March 29, 1996) as applied to claims 3, 5, 15, 18, 20, 26, and 31 above, and further in view of Sitka (US Patent Number 6,330,572, US filing date July 15, 1998).**

27. **Regarding dependent claims 7-8, 17, 20-21, 30, 32, and 45**, neither Weinberg et al. or Astiz et al. disclose a method of deleting items from the map database after a predetermined amount of time. However, Sitka discloses a method of database management in which items in which items contained within a database can be automatically deleted based on the amount of time they have spent in the database (column 17, line 54-column 18, line 3 of Sitka). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of Sitka on the mapping system because Sitka's method was applicable to any database.

### ***Conclusion***

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28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**US Patent Number 6,069,630, filed on August 22, 1997 by Lisle et al.**

**US Patent Number 6,169,997, filed on April 29, 1998, by Papierniak et al.**

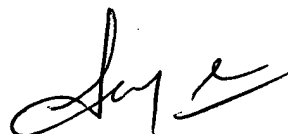
**US Patent Number 6,070,176, filed on January 30, 1997, by Downs et al.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Campbell whose telephone number is (703)305-5764. The examiner can normally be reached on M-F (8:00 AM - 4:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703)308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

jdc  
September 15, 2003

  
SANJIV SHAH  
PRIMARY EXAMINER